

Syed, Omar

From: Syed, Omar
Sent: Sunday, March 07, 2010 10:42 AM
To: mshellist@eeoc.net
Cc: David Halpern; Darren Gibson; Syed, Omar; Jo Miller (jmiller@jomillerlaw.com)
Subject: FW: Fisher v. UTMB - Final Settlement Offer of Defendants (Inadmissible under Fed. R. Evid. 408)

Dear Mr. Shellist:

Thanks for your note. UTMB respectfully declines your invitation to mediate the difference between our two positions, and with full appreciation for the views you have expressed, is prepared for trial.

That said, your e-mail does not convey your client's response to UTMB's offer. If you have not already done so, please relate the offer to her and let me know how she has responded.

I appreciate your assistance.

Sincerely,

Omar A. Syed
The University of Texas System
Office of General Counsel
201 West Seventh Street, Sixth Floor
Austin, TX 78701-2981
512-499-4481 phone
512-499-4523 fax

From: Martin Shellist [mailto:mshellist@eeoc.net]
Sent: Sunday, March 07, 2010 9:33 AM
To: Syed, Omar
Cc: David Halpern; Darren Gibson; Jo Miller
Subject: Re: Fisher v. UTMB - Final Settlement Offer of Defendants (Inadmissible under Fed. R. Evid. 408)

Dear Mr. Syed:

I appreciate the effort, but the figure does not make sense to us. Since the attorney's fees to date, with expenses, exceed [REDACTED], how can we recommend a settlement below? I believe Ms. Fisher will get a "Yes" on at least one of the several liability claims, resulting in the payment of damages, attorney's fees, and expenses. If you believe it makes sense to mediate the spread, I'll be happy to discuss it with my team, although we are already spread thin on our offer. It seems to me that a loss in this case will set UTMB back with respect to racial equality issues, and that can be avoided.

Sincerely,

Martin A. Shellist
Shellist Lazar LLP
1900 W. Loop South, Ste. 1910
Houston, Texas 77027
T (713) 621-2277
F (713) 621-0993

EXHIBIT

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On Sat, Mar 6, 2010 at 9:17 AM, Syed, Omar <osyed@utsystem.edu> wrote:

Dear Mr. Shellist:

I am an attorney for The University of Texas System's Office of General Counsel, which represents UTMB and the other 14 UT System institutions. On behalf of and with the authorization of the defendants in Ms. Fisher's lawsuit, I write to convey the response to her most recent settlement offer.

In exchange for Ms. Fisher's agreement to dismiss the pending suit and fully and finally release UTMB and Mr. Watson from all relevant claims, defendants offer a total of [REDACTED], to be apportioned between Ms. Fisher and her attorneys as they, in their judgment, see fit. This offer recognizes that Fisher will remain a UTMB employee. In addition, this offer constitutes defendants' final offer for settlement before trial.

We look forward to receiving your client's response.

Sincerely,

Omar A. Syed

The University of Texas System

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